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Date: November 16, 2009

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1.	Examiner Michael J. Feely	U.S. Patent and Trademark Office	571 273-1086	571 272 -1086

From: John Wilson Jones

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Total number of pages including this page: 3

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**RE: U.S. application serial no. 10/824,217. Please see attached for the interview
scheduled for Wednesday, November 18 at 9:15 a.m. EST.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stephenson et al.	§	Examiner: Michael J. Feely
	§	
Serial No.: 10/824,217	§	Group Art 1796
		Unit:
	§	
Filed: April 14, 2004	§	
	§	
Title: Porous Particulate Materials	§	Attorney Docket No. 020569-03403
	§	(P202-1230B-US)
	§	

INFORMAL COMMUNICATION

Examiner Michael J. Feely
 U.S. Patent and Trademark Office
 Via Facsimile, 571 273-1086

Examiner Feely:

Attached is an outline of the salient points which we would like to discuss at the interview scheduled for Wednesday, November 18, 2009 at 9:15 EST:

I. Proposed amendment to claim 161:

161. A selectively configured porous particulate material comprising a porous particulate material having a coating layer of thickness from about 1 to about 5 microns, wherein the porous particulate material has inherent or induced permeability and is selected from the group consisting of porous ceramics, polyolefins, styrene-divinylbenzene copolymers and polyalkylacrylate esters, and further wherein the apparent specific gravity of the selectively configured porous particulate material is less than the apparent specific gravity of the porous particulate material and the porous particulate material is not a cluster of particulates.

II. Rejections Under 35 U.S.C. § 103.

A. U.S. Patent No. 4,923,714 ("*Gibb I*"). *Gibb I* is drawn to porous particulates of *closed cell porosity*. The claims of Applicants are directed to porous particulates of *open-celled porosity*. The claims of Applicant recite the porous particulate material as having "inherent or induced permeability". See, p. 10, ll. 17-19 of the originally filed specification

where such porosity is defined as that wherein interconnected pore spaces permit fluid to at least partially move through the porous matrix of the particulates. In contrast, closed-cell porous materials have internal voids with closed walls which are not permeable to gas or liquids. Closed-cell porosity is not interconnected porosity.

2. U.S. Patent No. 4,632,876 ("*Laird*"). Like *Gibb I*, *Laird* only discloses ceramics which exhibit closed cell microporosity. In fact, *Gibb I* references *Laird* in its discussion of closed-cell porosity.

3. US. Patent No. 4,869,960 ("*Gibbs II*"). *Gibbs II* is directed to a method for modifying the closed cell particulates of *Laird*. See, col. 2, ll. 5-6 and col. 6, ll. 6-7.

Respectfully submitted,



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Facsimile Transmission

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37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

Fax Notes:

Mr. Jones,

The following is the proposed amendment we discussed earlier this morning. Attached are a marked-up version of the claims and a clean version of the claims. If you have any question feel free to call at 571-272-1086.

Thanks,
Michael J Feely (Primary Examiner; AU 1796)

Date and time of transmission: Wednesday, November 18, 2009 10:56:12 AM
Number of pages including this cover sheet: 19

Marked-up version

1-105. (Cancelled)

106. (Currently amended) A selectively configured porous particulate material comprising a porous particulate material treated with a treatment material selected from the group consisting of liquid resin, plastic, cement, sealant [[or]] and binder, wherein: (i) the porous particulate material, prior to treatment, has inherent or induced fluid permeability; (ii) the porous particulate material is selected from the group consisting of porous ceramics, polyolefins, styrene-divinylbenzene copolymers and polyalkylacrylate esters; (iii) the apparent specific gravity of the selectively configured porous particulate material is less than the apparent specific gravity of the porous particulate material, prior to treatment; and (iv) the porous particulate material is not a cluster of particulates.

107-108. (Previously presented)

109. (Currently amended) The selectively configured porous particulate material of Claim 106, wherein the porous particulate material, prior to treatment, has a porosity and fluid permeability such that a fluid may be drawn at least partially into its matrix by capillary action.

110. (Currently amended) The selectively configured porous particulate material of Claim 106, wherein the porous particulate material, prior to treatment, has a porosity and

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fluid permeability such that a penetrating material may be (i) drawn at least partially into its matrix using a vacuum; (ii) forced at least partially into its porous matrix under pressure; or (iii) a combination of (i) and (ii).

111. (Cancelled)

112. (Currently amended) The selectively configured porous particulate material of Claim 106, wherein the treatment material is selected from ~~selectively configured porous particulate material is a porous particulate material treated with a~~ phenol, phenol formaldehyde, melamine formaldehyde, urethane or epoxy resin.

113. (Cancelled.)

114. (Currently amended) The selectively configured porous particulate material of Claim 130, wherein the treatment material is ~~selectively configured porous particulate material is a porous particulate material treated with a~~ penetrating[[,]] coating, a glassy glazing material or a combination thereof which is capable of trapping or encapsulating a fluid having an apparent specific gravity less than the apparent specific gravity of the matrix of the porous particulate material.

115. (Currently amended) The selectively configured porous particulate material of Claim 114, wherein the fluid capable of being trapped or encapsulated is a gas.

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116. (Previously presented)

117-118. (Cancelled)

119. (Currently amended) The selectively configured porous particulate material of Claim 106, wherein the fluid permeability of the selectively configured porous particulate material is less than the fluid permeability of the porous particulate material, prior to treatment.

120-121. (Cancelled)

122. (Currently amended) The selectively configured porous particulate material of Claim 106, wherein of the porous particulate material, prior to treatment, has a maximum length-based aspect ratio of equal to or less than about 5.

123. (Previously presented)

124. (Currently amended) The composition of Claim 123, wherein the porous particulate material, prior to treatment, ~~of the selectively configured porous particulate material~~ is (i) relatively lightweight, (ii) substantially neutrally buoyant or a combination of (i) and (ii).

125-129. (Previously presented.)

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130. (Currently amended) A selectively configured porous particulate material comprising a porous particulate material coated or penetrated with a treatment material selected from the group consisting of liquid resin, plastic, cement, sealant [[or]] and binder, wherein: (i) the porous particulate material, prior to coating or penetration, has inherent or induced fluid permeability; (ii) the porous particulate material is selected from the group consisting of porous ceramics, polyolefins, styrene-divinylbenzene copolymers and polyalkylacrylate esters; (iii) the strength of the selectively configured porous particulate material is greater than the strength of the porous particulate material, prior to coating or penetration; and (iv) the porous particulate material is not a cluster of particulates.

131. (Currently amended) The selectively configured porous particulate material of Claim 130, wherein the porous particulate material, prior to coating or penetration, has a porosity and fluid permeability such that a fluid may be drawn at least partially into its matrix by capillary action.

132-134. (Cancelled)

135. (Currently amended) The selectively configured porous particulate material of Claim 130, wherein the porous particulate material, prior to coating or penetration, is (i) relatively lightweight, (ii) substantially neutrally buoyant or a combination of (i) and (ii).

136. (Previously presented)

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137. (Currently amended) A selectively configured porous particulate material comprising a porous particulate material ~~having inherent or induced permeability which~~ is treated or modified with a glassy glazing material, wherein the porous particulate material, prior to treatment or modification, has inherent or induced fluid permeability.

138. (Currently amended) The selectively configured porous particulate material of Claim 137, wherein the apparent density or apparent specific gravity of the selectively configured porous particulate material is less than the apparent density or apparent specific gravity of the porous particulate material, prior to treatment or modification.

139. (Previously presented)

140-144. (Cancelled)

145. (Previously presented)

146-149. (Cancelled.)

150-151. (Previously presented)

152. (Currently amended) The composition of Claim 150, wherein the porous particulate ~~of the selectively configured porous particulate material, prior to treatment or~~

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modification, is (i) relatively lightweight, (ii) substantially neutrally buoyant or a combination of (i) and (ii).

153-154. (Previously presented)

155-159. (Cancelled)

160. (Currently amended) The selectively configured porous particulate material of Claim 114, wherein a clay stabilizer is applied, prior to coating or penetration, to the exterior surface of the porous particulate material to inhibit penetration of the ~~coating or penetrating~~ treatment material.

161. (Currently amended) A selectively configured porous particulate material comprising a porous particulate material coated with ~~having~~ a coating layer of thickness from about 1 to about 5 microns, wherein: (i) the porous particulate material, prior to coating, has inherent or induced fluid permeability; (ii) the porous particulate material ~~and~~ is selected from the group consisting of porous ceramics, polyolefins, styrene-divinylbenzene copolymers and polyalkylacrylate esters, ~~and further wherein~~ ; (iii) the apparent specific gravity of the selectively configured porous particulate material is less than the apparent specific gravity of the porous particulate material, prior to coating; and (iv) the porous particulate material is not a cluster of particulates.

162. (Previously presented)

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163. (Currently amended) The selectively configured porous particulate material of Claim 161, wherein the porous particulate material, prior to coating, has a porosity and fluid permeability such that a fluid may be drawn at least partially into its matrix by capillary action.

164. (Currently amended) The selectively configured porous particulate material of Claim 161, wherein the fluid permeability of the selectively configured porous particulate material is less than the fluid permeability of the porous particulate material.

165 (Currently amended) The selectively configured porous particulate material of Claim 161, wherein ~~individual particles of~~ the porous particulate material, prior to coating, ~~has~~ **have** a maximum length-based aspect ratio of equal to or less than about 5.

166. (Previously presented)

167. (Currently amended) The composition of Claim 166, wherein the porous particulate material, prior to coating, ~~of the selectively configured porous particulate material~~ is (i) relatively lightweight, (ii) substantially neutrally buoyant or a combination of (i) and (ii).

168. (Previously presented)

169. (Cancelled)

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170. (Previously presented)

171-174. (Cancelled)

175. (Previously presented)

176. (Currently amended) The composition of Claim 175, wherein the porous particulate material, prior to treatment or modification, of the selectively configured porous particulate material is (i) relatively lightweight, (ii) substantially neutrally buoyant or a combination of (i) and (ii).

177-179. (Previously presented)

180. (Cancelled.)

181. (Currently amended) A selectively configured porous particulate material comprising a porous particulate material ~~having inherent or induced permeability~~ treated or modified with a glazing material, the glazing material having been fired onto the porous particulate material, wherein the porous particulate material, prior to treatment or modification, has inherent or induced fluid permeability.

182-184. (Previously presented)

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185. (Currently amended) A selectively configured porous particulate material comprising ~~a porous particulate material having inherent or induced permeability~~ prepared by coating onto ~~the~~ a porous particulate material a smooth, glassy glazing material and firing the glazing material onto the porous particulate material, wherein the porous particulate material, prior to coating, has inherent or induced fluid permeability.

186-190. (Previously presented)

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Clean version

1-105. (Cancelled)

106. (Currently amended) A selectively configured porous particulate material comprising a porous particulate material treated with a treatment material selected from the group consisting of liquid resin, plastic, cement, sealant and binder, wherein: (i) the porous particulate material, prior to treatment, has inherent or induced fluid permeability; (ii) the porous particulate material is selected from the group consisting of porous ceramics, polyolefins, styrene-divinylbenzene copolymers and polyalkylacrylate esters; (iii) the apparent specific gravity of the selectively configured porous particulate material is less than the apparent specific gravity of the porous particulate material, prior to treatment; and (iv) the porous particulate material is not a cluster of particulates.

107-108. (Previously presented)

109. (Currently amended) The selectively configured porous particulate material of Claim 106, wherein the porous particulate material, prior to treatment, has a porosity and fluid permeability such that a fluid may be drawn at least partially into its matrix by capillary action.

110. (Currently amended) The selectively configured porous particulate material of Claim 106, wherein the porous particulate material, prior to treatment, has a porosity and

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fluid permeability such that a penetrating material may be (i) drawn at least partially into its matrix using a vacuum; (ii) forced at least partially into its porous matrix under pressure; or (iii) a combination of (i) and (ii).

111. (Cancelled)

112. (Currently amended) The selectively configured porous particulate material of Claim 106, wherein the treatment material is selected from phenol, phenol formaldehyde, melamine formaldehyde, urethane or epoxy resin.

113. (Cancelled.)

114. (Currently amended) The selectively configured porous particulate material of Claim 130, wherein the treatment material is a penetrating coating, a glassy glazing material or a combination thereof which is capable of trapping or encapsulating a fluid having an apparent specific gravity less than the apparent specific gravity of the matrix of the porous particulate material.

115. (Currently amended) The selectively configured porous particulate material of Claim 114, wherein the fluid capable of being trapped or encapsulated is a gas.

116. (Previously presented)

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117-118. (Cancelled)

119. (Currently amended) The selectively configured porous particulate material of Claim 106, wherein the fluid permeability of the selectively configured porous particulate material is less than the fluid permeability of the porous particulate material, prior to treatment.

120-121. (Cancelled)

122. (Currently amended) The selectively configured porous particulate material of Claim 106, wherein of the porous particulate material, prior to treatment, has a maximum length-based aspect ratio of equal to or less than about 5.

123. (Previously presented)

124. (Currently amended) The composition of Claim 123, wherein the porous particulate material, prior to treatment, is (i) relatively lightweight, (ii) substantially neutrally buoyant or a combination of (i) and (ii).

125-129. (Previously presented.)

130. (Currently amended) A selectively configured porous particulate material comprising a porous particulate material coated or penetrated with a treatment material

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selected from the group consisting of liquid resin, plastic, cement, sealant and binder, wherein: (i) the porous particulate material, prior to coating or penetration, has inherent or induced fluid permeability; (ii) the porous particulate material is selected from the group consisting of porous ceramics, polyolefins, styrene-divinylbenzene copolymers and polyalkylacrylate esters; (iii) the strength of the selectively configured porous particulate material is greater than the strength of the porous particulate material, prior to coating or penetration; and (iv) the porous particulate material is not a cluster of particulates.

131. (Currently amended) The selectively configured porous particulate material of Claim 130, wherein the porous particulate material, prior to coating or penetration, has a porosity and fluid permeability such that a fluid may be drawn at least partially into its matrix by capillary action.

132-134. (Cancelled)

135. (Currently amended) The selectively configured porous particulate material of Claim 130, wherein the porous particulate material, prior to coating or penetration, is (i) relatively lightweight, (ii) substantially neutrally buoyant or a combination of (i) and (ii).

136. (Previously presented)

137. (Currently amended) A selectively configured porous particulate material comprising a porous particulate material treated or modified with a glassy glazing

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material, wherein the porous particulate material, prior to treatment or modification, has inherent or induced fluid permeability.

138. (Currently amended) The selectively configured porous particulate material of Claim 137, wherein the apparent density or apparent specific gravity of the selectively configured porous particulate material is less than the apparent density or apparent specific gravity of the porous particulate material, prior to treatment or modification.

139. (Previously presented)

140-144. (Cancelled)

145. (Previously presented)

146-149. (Cancelled.)

150-151. (Previously presented)

152. (Currently amended) The composition of Claim 150, wherein the porous particulate, prior to treatment or modification, is (i) relatively lightweight, (ii) substantially neutrally buoyant or a combination of (i) and (ii).

153-154. (Previously presented)

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(Attorney Docket No. 020569-03403 (P202-1230B-US))

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160. (Currently amended) The selectively configured porous particulate material of Claim 114, wherein a clay stabilizer is applied, prior to coating or penetration, to the exterior surface of the porous particulate material to inhibit penetration of the treatment material.

161. (Currently amended) A selectively configured porous particulate material comprising a porous particulate material coated with a coating layer of thickness from about 1 to about 5 microns, wherein: (i) the porous particulate material, prior to coating, has inherent or induced fluid permeability; (ii) the porous particulate material is selected from the group consisting of porous ceramics, polyolefins, styrene-divinylbenzene copolymers and polyalkylacrylate esters; (iii) the apparent specific gravity of the selectively configured porous particulate material is less than the apparent specific gravity of the porous particulate material, prior to coating; and (iv) the porous particulate material is not a cluster of particulates.

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163. (Currently amended) The selectively configured porous particulate material of Claim 161, wherein the porous particulate material, prior to coating, has a porosity and

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fluid permeability such that a fluid may be drawn at least partially into its matrix by capillary action.

164. (Currently amended) The selectively configured porous particulate material of Claim 161, wherein the fluid permeability of the selectively configured porous particulate material is less than the fluid permeability of the porous particulate material.

165 (Currently amended) The selectively configured porous particulate material of Claim 161, wherein the porous particulate material, prior to coating, has a maximum length-based aspect ratio of equal to or less than about 5.

166. (Previously presented)

167. (Currently amended) The composition of Claim 166, wherein the porous particulate material, prior to coating, is (i) relatively lightweight, (ii) substantially neutrally buoyant or a combination of (i) and (ii).

168. (Previously presented)

169. (Cancelled)

170. (Previously presented)

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171-174. (Cancelled)

175. (Previously presented)

176. (Currently amended) The composition of Claim 175, wherein the porous particulate material, prior to treatment or modification, is (i) relatively lightweight, (ii) substantially neutrally buoyant or a combination of (i) and (ii).

177-179. (Previously presented)

180. (Cancelled.)

181. (Currently amended) A selectively configured porous particulate material comprising a porous particulate material treated or modified with a glazing material, the glazing material having been fired onto the porous particulate material, wherein the porous particulate material, prior to treatment or modification, has inherent or induced fluid permeability.

182-184. (Previously presented)

185. (Currently amended) A selectively configured porous particulate material prepared by coating onto a porous particulate material a smooth, glassy glazing material and firing

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the glazing material onto the porous particulate material, wherein the porous particulate material, prior to coating, has inherent or induced fluid permeability.

186-190. (Previously presented)